

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NEIL ZLOZOWER and BARRY LEVINE,

Plaintiffs,

v.

MOTLEY CRUE, INC., MOTLEY CRUE TOURING, INC., LIVE NATION WORLDWIDE, INC., LIVE NATION CONCERTS, INC., LIVE NATION ENTERTAINMENT, INC., LIVE NATION MERCHANDISE, INC., GLOBAL MERCHANDISING SERVICES INC., GLOBAL MERCHANDISING SERVICES LTD., HOT TOPIC, INC., INFINITY 1 INC., SPENCER GIFTS LLC, ROCK.COM, INC., JET.COM, INC., SEARS HOLDINGS CORPORATION, AMAZON.COM, INC., TSC APPAREL, LLC, FRUIT OF THE LOOM, INC., GILDAN APPAREL USA INC., PEACE TEXTILE AMERICA, INC., FANTASY ACTIVEWEAR, INC., DELTA APPAREL, INC., and SCORPIO POSTERS, INC.,

Defendants.

MÖTLEY CRÜE, INC.,

Counterclaimant,

v.

NEIL ZLOZOWER and BARRY LEVINE,

Counterdefendants.

**Civil Action No. 1:16-cv-06950-LTS-SDA**

**DEFENDANTS LIVE NATION  
ENTERTAINMENT, INC., LIVE  
NATION CONCERTS, INC. AND LIVE  
NATION MERCHANDISE, INC.'S  
NOTICE OF MOTION AND MOTION  
FOR SUMMARY JUDGMENT**

**ORAL ARGUMENT REQUESTED**

Ctrm.:	12D
Action Filed:	September 6, 2016
Trial Date:	None Set

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT** Defendants Live Nation Entertainment, Inc., Live Nation Concerts, Inc. and Live Nation Merchandise, Inc. (the “Live Nation Moving Defendants”), pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby move the United States District Court, Southern District of New York, for summary judgment of no liability on Plaintiffs’ First Cause of Action asserted in their Complaint.

The basis for the Motion is that there is no evidence to support a judgment of liability for copyright infringement against the Live Nation Moving Defendants. Accordingly, the Live Nation Moving Defendants seek entry of judgment of no liability and dismissal of Plaintiffs’ First Cause of Action.

The Live Nation Moving Defendants bring this Motion after meeting and conferring with Plaintiffs as required by the Individual Rules of Practice of the Honorable Laura Taylor Swain. The Live Nation Moving Defendants have used their best efforts to resolve informally the matter raised in the Motion.

The Motion is based on this Notice of Motion, the attached Memorandum of Law, Separate Statement of Undisputed Material Facts and Declarations of Richard Patti and David W. Schecter and exhibits attached thereto, the pleadings and records on file in this action, and on such evidence and oral argument presented at any hearings permitted by the Court.

*[Signature on Next Page.]*

Dated: Los Angeles, California  
January 26, 2018

Respectfully Submitted,  
MILLER BARONDESS, LLP

By: /s/ David W. Schecter

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*and Counterclaimant MÖTLEY CRÜE, INC.*